

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PRIORITY RECORDS, LLC, et)	
al.,)	
)	No. C07-1023 PJH (BZ)
Plaintiff(s),)	
)	SCHEDULING ORDER
v.)	
)	
LUIS TABORA,)	
)	
Defendant(s).)	

TO ALL PARTIES AND COUNSEL OF RECORD:

By order dated May 23, 2007, the above matter was referred to Magistrate Judge Bernard Zimmerman to issue a report and recommendation regarding plaintiffs' motion for default judgment. **IT IS HEREBY ORDERED** that a hearing on plaintiffs' motion is set for **Wednesday, August 1, 2007, at 10:00 a.m.** in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102.

Compliance with 50 App. U.S.C. 501 et seq. of the Servicemembers' Civil Relief Act may not be satisfied on information and belief. See 50 App. U. S.C. 521(b)(1); United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn. 1980)

(interpreting 50 App. U.S.C. 520(1), predecessor to 50 App. U.S.C. 521(b)(1)). If not otherwise provided, plaintiffs should be prepared to provide sufficient information at the hearing.

Plaintiffs should also be prepared to prove all damages by competent testimony or other admissible evidence. If plaintiff intends to prove facts by affidavits or declarations, the affiant or declarant should have personal knowledge of all matters to which she testifies. For all evidence, proper foundations must be established. For an explanation of the evidentiary requirements for proving damages in a default case, the parties are encouraged to consult Chapter Six of Civil Procedure Before Trial by William W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

Defendant should attend the hearing if it contests the validity or amount of plaintiffs' claim. Seven (7) days before the hearing, on **Wednesday, July 25, 2007**, plaintiffs shall file with the Clerk of the Court, and deliver **directly** to chambers, a declaration setting forth in detail all steps taken to locate defendant and serve him with this order. If defendant actually received this order, plaintiffs' affidavit should so state, including plaintiffs' basis for this knowledge.

Dated: May 31, 2007



Bernard Zimmerman
United States Magistrate Judge